

(Published in The Wichita Eagle on September 30, 2011)

ORDINANCE NO. 49-100

AN ORDINANCE OF THE CITY OF WICHITA, KANSAS (THE "CITY"), APPROVING CERTAIN PLANNED CONSTRUCTION AND APPROVING AND AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY AND DOUGLAS PLACE, LLC REGARDING DEVELOPMENT OF PROPERTY AT AND ADJACENT TO DOUGLAS AND BROADWAY FOR PURPOSES OF A BOUTIQUE HOTEL, A PARKING GARAGE AND AN URBAN PARK, ALL PURSUANT TO CHARTER ORDINANCE NO. 203

WHEREAS, in conjunction with this ordinance, the City of Wichita (the "City") has approved Douglas Place LLC (the "Developer") to serve as developer in connection with the renovation of an historic and iconic structure at Douglas and Broadway in downtown Wichita into a boutique hotel and restaurant, and the construction of certain public and private improvements in connection with this development, and is now considering allowing construction, without public bid, of up to \$800,000 in City-financed urban park improvements on land to be owned by the City adjacent to the renovated building which will serve as the boutique hotel and restaurant; and,

WHEREAS, the Developer will furnish adequate sureties for the full and faithful completion of the said improvements; and

WHEREAS, Charter Ordinance No. 203 of the City requires that, prior to commencement of construction of the improvements, the Governing Body of the City must conduct a public hearing to consider whether to implement the subsection of Charter Ordinance No. 203 that allows for development agreements, in the context of these specific improvements, and must adopt, by 2/3 vote of its members, an Ordinance approving the construction under the provisions of Charter Ordinance No. 203; and

WHEREAS, the Governing Body of the City, pursuant to the requirements of Charter Ordinance No. 203, has conducted a public hearing on September 13, 2011, to hear and consider public comment on the question of whether to implement the provisions of Charter Ordinance No. 203 to approve the construction of the subject improvements under the provisions of Charter Ordinance No. 203 and the proposed Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS AS FOLLOWS:

Section 1. Authorization of Agreement. The City is hereby authorized to enter into the Development Amendment, by and between the City and Douglas Place, LLC, in substantially the form presented by City Staff for consideration prior to the public hearing of September 13, 2011, together with such revisions and modifications as the Governing Body has directed, following the conclusion of such public hearing.

Section 2. Approval of Construction of the Urban Park by the Developer. The Governing Body hereby approves the completion of design work and construction of the Urban Park, as defined in the Agreement, under the provisions of Charter Ordinance No. 203, and further requires (and the City is authorized to accept as sureties for completion of the subject improvements), a labor and materials payment and performance bond to be obtained by the Developer (or its General Contractor, as defined in the Agreement) in the full amount of the estimated cost of completion of the Urban Park improvements.

Section 3. Execution of Documents. The Mayor of the City is hereby authorized and directed to execute the Development Agreement in substantially the form approved by the Governing Body with such additional minor corrections thereto as the Mayor shall approve,

which approval shall be evidenced by his execution thereof, and City Staff shall deliver the Agreement for and on behalf of and as the act and deed of the City.

Section 4. Further Authority. The City shall, and the officers, agents and employees of the City are hereby authorized and directed to, take such further action as necessary to carry out and give effect to the transactions contemplated by this Ordinance, the Development Amendment, and such other documents as are contemplated by the Development Agreement in connection with the construction of the Urban Park improvements.

Section 5. Effective Date. This Ordinance shall take effect and be in full force from and after its adoption by vote of 2/3 of the members of the governing body of the City of Wichita, Kansas, and publication once in the official newspaper of the City.

PASSED by the Governing Body of the City of Wichita, Kansas this 27th day of September, 2011, with no less than 2/3 of the members voting in favor thereof.

CITY OF WICHITA, KANSAS

By _____
Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to Form:

Gary E. Rebenstorf, City Attorney